

Application No. 09/152,698
Response dated October 12, 2007
Reply to Final Office Action of May 17, 2007

Docket No.: AREX-P02-004

REMARKS

Claims 30, 71, 76, 85-88, 96, 99, 100, 103-114, 117-119, and 123-134 constitute the pending claims in the instant application.

Applicants' attorneys Lisa Treannie and Yu Lu discussed the rejections in this application, and the related provisional double patenting rejection in the related U.S.S.N. 09/376,604 with Examiner Canella on July 17, 2007. Thus this response also constitutes the "complete written statement of the reasons presented at the interview as warranting favorable action" under 37 C.F.R. § 1.133(b).

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action.

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 129-132 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. The Examiner asserts that the originally filed disclosure, especially page 26, does not support limitations in these claims.

However, Applicants have previously indicated that support for new claims 129-132 can be found throughout the specification, for example, at page 44, 2nd full paragraph (not page 26). Specifically, page 44, 2nd full paragraph teaches that Fcγ receptors on certain APCs (antigen presenting cells) facilitate antigen uptake; and that human FcγRII "has strong affinity to this murine IgG isotype (IgG1)," while the human FcγRI and FcγRIII receptors do not. The specification (e.g., in the same paragraph) also contemplates using various professional APCs in the preferential presentation of the CA125 complexes, such as the CA125 – Mab B43.13 complex, through using an "antigen specific antibody" and the Fcγ receptors on such APCs (e.g., the FcγRII receptors in human if a murine IgG1 antibody is used).

Since the murine B43.13 monoclonal antibody is of the IgG1 isotype (see page 54, 3rd full paragraph), the specification supports the use of antibody that has an Fc portion that binds the FcγRII receptor, such as the IgG1 antibody B43.13, to enhance the presentation of a CA125

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in complex with such antibody, through professional APCs (such as dendritic cells) having the FcγRII receptor.

During the July 17, 2007 telephone conference, Applicants' attorney and the Examiner discussed the support for these claims as outlined above, and the Examiner appeared to be satisfied with the support presented above.

Reconsideration and withdrawal of the new matter rejection are respectfully requested.

Double Patenting Rejections

Claims 30, 71, 76, 99, 103-110, 113, 114, 117-119, and 123-128 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent 6,241,985.

Pursuant to 37 C.F.R. § 1.130(b), Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the double patenting rejection.

Claims 30, 71, 76, 99, 103-110, 113, 114, and 123-128 are also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 276-282, 293-302, 313-322, and 333-338 of co-pending Application No. 09/376,604.

During the July 17, 2007 telephone discussion, the Examiner indicated that it is the Office preference to have Applicants file a Terminal Disclaimer in the later-filed application, such as U.S.S.N. 09/376,604 (as opposed to the earlier-filed application, such as the instant application). Thus, it was agreed that the Examiner will withdraw the provisional double patenting rejection in this application, and Applicants will file a terminal disclaimer in the related U.S.S.N. 09/376,604 to overcome the double patenting rejection there.

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw all the double patenting rejections in this application.

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CONCLUSION

Applicants believe no fee other than those authorized in the fee transmittal is due with this response. However, if any other fee is due, please charge our Deposit Account No. **18-1945**, from which the undersigned is authorized to draw under Order No. **AREX-P02-004**.

Dated: October 12, 2007

Respectfully submitted,

By 

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